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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,842	01/18/2002	Kazuo Utsugi	101173-00014	1337

7590 12/01/2006

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EXAMINER	
JEANTY, ROMAIN	
ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/050,842	UTSUGI ET AL.	
	Examiner	Art Unit	
	Romain Jeanty	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office action is in response to the communication received September 5, 2006. Claims 1-6 are still pending in the application.

Response to Arguments

2. Applicant's arguments filed September 5, 2006 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lilly (U.S. Patent No. 6,801,820) in view of Yamamoto (U.S. Patent No. 5914878)

As per claims 1-3, Lilly discloses:

receiving means used by an order receiver to receive an order from an orderer (i.e., receiving a work order, col. 3, lines 44-50 and col. 5, lines 38-44) and acquire corresponding order data and an ordering means used by said order receiver to make an order to an associate on the basis of said order data (i.e., transfer the purchase order to a manufacturer (col. 6, lines 14-60 of Lilly. The examiner interprets the associate as a "manufacturer"), operation means used by

said order receiver to calculate an expected time of departure (i.e., determining the delivery date for the potential work order to interested party, and transmission means used by said order receiver to transmit the expected time of departure calculated by said operation means. Note col. 4, lines 52-57, col. 17, lines 40-43). Lilly discloses all of the limitations above but Lilly fails to disclose business plan acquiring means used by said orderer to acquire business plan data from said associate/manufacturer). Yamamoto in the same field of endeavor, discloses an ordering system wherein business requesting plan/production plan data is taught from a manufacturer (col. 13, line 53 through col. 20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the disclosures of Lilly to include acquire business plan data from said associate/manufacturer as taught by Yamamoto so that raw materials can be made available when needed and in the quantities needed.

As per claims 4-6, Lilly discloses:

stock data storage means used by said order receiver to store stock data of the own stock of said order receiver, order receiving means used by said order receiver to receive an order from an orderer and acquire corresponding order data col. 3, lines 44-50 and col. 5, lines 38-44), ordering means used by said order receiver to make an order of an unallocated portion, based on said order data and said stock data (col. 8, lines 48-65), operation means used by said order receiver to calculate an expected time of departure, based on at least said order data, said stock data, and transmission means used by said order receiver to transmit to said orderer the expected time of departure calculated by said operation means (col. 4, lines 52-57, col. 17, lines 40-43). Lilly discloses all of the limitations above but Lilly fails to disclose business plan acquiring means used by said orderer to acquire business plan data from said associate/manufacturer).

Yamamoto in the same field of endeavor, discloses an ordering system wherein business requesting plan/production plan data is taught from a manufacturer (col. 13, line 53 through col. 20). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the disclosures of Lilly to include acquire business plan data from said associate/manufacturer as taught by Yamamoto so that raw materials can be made available when needed and in the quantities needed.

Remarks

5. In response to applicant's argument (Page 1) that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies ("This enables the order receiver to make physical distributions according to its program and allows the orderer to make preparations for receiving the order while reducing the amount of intervening personnel and steps required to provide such notice") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

1. Applicant asserted that Lilly and Yamamoto fail to tech the claimed invention. Applicant further supported his assertion by arguing that Lilly does not disclose or suggest ordering means used by the order receiver to make an order to an associate on the basis of the order data, and applicant further asserted that Yamamoto does not discloses or suggest business plan data acquiring means used by said order receiver to acquire business plan data from an associate.

Applicant submits that Lilly and Yamamoto whether taken alone or in combination fail to fail to teach the claimed invention of claim 1. In response, the examiner respectfully disagrees because Lily does discloses a system for receiving a work order and processing/transferring the work order to a manufacturer (col. 6, lines 14-60), and Yamamoto discloses an ordering system wherein business requesting plan/production data is requested from a manufacturer(col. 13, line 53 through col. 20). Therefore, combining the teachings of Lilly with the teachings Yamamoto would have been obvious to a person of ordinary skill in the art in order in order to ensure production planning for an order.

In response to applicant's argument that there is no suggestion to combine the references (Lilly and Yamamoto), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, combining the teachings of Lilly with the teachings Yamamoto would have been obvious to a person of ordinary skill in the art in order in order to ensure production planning for an order.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 27, 2006

Romain Jeanty
Primary Examiner
Art Unit 3623